OPINION 1528

Pyralis nigricana Fabricius, 1794 (currently in *Cydia* or *Laspeyresia*; Insecta, Lepidoptera): specific name conserved

Ruling

(1) Under the plenary powers the specific name *rusticella* Clerck, 1759, as published in the binomen *Phalaena rusticella,* is hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy.

(2) The name *nigricana* Fabricius, 1794, as published in the binomen *Pyralis nigricana*, is hereby placed on the Official List of Specific Names in Zoology.

(3) The name *rusticella* Clerck, 1759, as published in the binomen *Phalaena rusticella* and as suppressed in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology.

History of Case 2468

An application for the conservation of the specific name of *Pyralis nigricana* Fabricius, 1794 was received from Dr P. R. Seymour (*Ministry of Agriculture, Fisheries and Food, Harpenden, Herts., U.K.*) on 8 March 1984. After correspondence the case was published in BZN **43**: 93–95 (April 1986). Notice of the case was sent to appropriate journals. An opposing comment by Drs G. S. Robinson (*British Museum (Natural History), London, U.K.*) and E. S. Nielsen (*CSIRO, Canberra, Australia*) was published in BZN **44**: 196–197 (September 1987) together with a reply by the author of the application (BZN **44**: 197–199).

Decision of the Commission

On 1 September 1988 the members of the Commission were invited to vote on the proposals published in BZN **43**: 94–95. At the close of the voting period on 1 December 1988 the votes were as follows:

Affirmative votes — 13: Bayer, Corliss, Heppell, Kabata, Kraus, Melville, Mroczkowski, Ride, Savage, Schuster, Starobogatov, Uéno, Willink

Negative votes — 4: Cocks, Hahn, Halvorsen and Lehtinen.

No votes were returned by Dupuis, Gruchy and Trjapitzin.

Cocks agreed with the objections of Robinson & Nielsen and considered that in this case priority should stand. Bayer, Willink and Uéno, although agreeing in principle with Robinson & Nielsen, considered the conservation of *nigricana* to be justified. Hahn would have preferred placing both *nigricana* and *rusticella* on the Official List, with the former being given precedence

Original references

The following are the original references to the names placed on an Official List and an Official Index by the ruling given in the present Opinion:

nigricana, Pyralis, Fabricius, 1794, *Entomologia Systematica*, vol. 3(2), p. 276.

rusticella, Phalaena, Clerck, 1759, *Icones Insectorum rariorum*, pl. 10, fig. 11.